



IDAHO WATER RESOURCE BOARD

MINUTES OF STATE WATER PLAN SUB-COMMITTEE MEETING NO. 14

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Chamberlain**
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**Lawrence "Vic"
Armacost**
New Meadows
At Large

Idaho Water Center
Boise, Idaho
November 17, 2008

The Chairman of the committee, Gary Chamberlain, called the meeting to order at 10:00 a.m. Leonard Beck and Vic Armacost were present.

Staff members present were Brian Patton, Bureau Chief of Planning; Helen Harrington, Planning Section Manager; Phil Rassier, Deputy Attorney General ; Morgan Case, Biologist, and Patsy McGourty, Recording Secretary.

Guests in attendance were:

Shelley Davis, Barker Rosholt

Peter Anderson, Trout Unlimited

Agenda Item No. 1, Introductions

Introductions were made around the room.

Agenda Item No. 2. Continue Draft Policy Review with New Format

Ms. Harrington supplied a spreadsheet overview of progress on the draft State Water Plan along with other handouts. She stated that there is a delay in getting comments on the Snake River policies due to ongoing law suits which were impacting the Attorney General's Office. The Board asked the Attorney General to make recommendations given the current litigation. That section will be saved until the last.

4F - Conservancy Districts

Ms. Harrington stated that this policy has been in the State Water Plan since the 1980's and has never been implemented. She introduced Mr. Phil Rassier, Deputy Attorney General to discuss the policy. He stated that the issue arose in the late 1980's and in 1993 there was a serious effort to develop legislation to provide for conservancy districts. Other states like Utah and Colorado have established such districts. The benefit of a conservancy district is

that it provides a means of securing indebtedness through making assessments against real property. Mr. Rassier discussed the history of other kinds of districts. He said conservancy districts were a tool that could spread the burden of providing water and that could lessen the harshness of the Priority Doctrine by creating a shift in authority and power.

Mr. Rassier read the policy and suggested what it might say. He thought the concept was good and could be useful. In regard to the ESPA CAMP process, the Board's authority would need to be identified. Mr. Rassier noted that the biggest issue is that the Water Resource Board cannot collect taxes since the members are not elected. The conservancy district would need its own elected board to have taxing authority. The conservancy district board members could perhaps be elected board members of ground water districts or irrigation districts.

Mr. Patton noted that in the CAMP process an idea gaining momentum is for there to be a property tax of some kind collected by the counties with the money coming to the Board to be matched by state funds. The Board and the CAMP Committee would decide what projects were to be funded. The Legislature likes the idea, but it may not be possible.

Mr. Patton also noted that other states have conservancy district processes in place to fund projects in certain geographical areas. Mr. Beck pointed out that something will be required to keep people funding the projects. The counties have the means to collect but no authority to raise money for the ESPA. This would need to be mandated by the Legislature.

Mr. Anderson discussed groundwater district legislation written several years ago. He noted one point that the state can't impose tax on certain local districts. Mr. Rassier added that the state can assess for services provided. Also legislation creating a conservancy district could limit its authority to raising funds for ESPA projects. In response to a question about water districts from Mr. Beck, Mr. Rassier stated that water districts should not have an interest in the water.

Mr. Patton stated that the Board could assess water rights for the ESPA CAMP process and counties could collect. Mr. Beck added if water rights were taxed, all water rights would have to be taxed. Mr. Beck also said that counties are not invested enough in the ESPA CAMP process. They seem to be outside. He felt that the Advisory Committee needs more support from counties.

Mr. Rassier suggested using contracts with conservancy districts and the Board to carry out projects. Mr. Beck did not want to see more elections for boards that cost more money. Chairman Chamberlain suggested inviting county commissioners to all State Water Plan meetings. Mr. Beck stated the committee needs more information about other states' conservancy districts and the methods used for operation. The committee decided to keep the policy as is and Ms. Harrington will gather more information about process in other states for the committee's consideration at the next meeting.

3D – Safety Measures Program

This policy has been around for many years according to Ms. Harrington and it has never been implemented. She noted that comments had been received from Mr. Norm Semanko, Idaho Water

Users. Mr. Beck stated that the Board needs a safety program policy. The committee discussed the policy and rewrote much of it. Changes were made to the comments section.

3E – Radio Active Waste Monitoring

The policy was discussed and remains the same.

1L – Recharge

Ms. Harrington explained that there are two different policies on recharge in the draft plan. The first is under Optimum Use and there is also mention of recharge in the Development Group. She asked the committee if they wanted one policy in one place. She also noted recharge was referred to in some places as aquifer recharge and some places as managed recharge. There was discussion about this issue. The committee agreed to have only one policy in the Optimum Use Section. They also decided to eliminate the Development Group and reorder the policies under the remaining four headings.

2B – Federally Listed Species and State Species of Concern

Originally this policy was two policies; a federal and a state. Staff have combined it into one and asks for your comments on the rewrite. The committee discussed the policy and the comment section. Some changes were made to the wording. Discussion followed about the affect of the Nez Perce Agreement on this policy. Some comments were rewritten to reflect that. Further discussion followed about the Water Transactions Program.

3C – Weather Modification


The committee discussed this section and made some changes to the third paragraph. Additions were made to include the 2008 Cloud Seeding Project in the Upper Snake River Basin. The actual results will be added. The committee further discussed efforts to do cloud seeding in conjunction with Wyoming. Idaho Power has offered to partner with the state in on-going projects on the ESPA according to Mr. Patton. There was discussion about who owns the water that results from cloud seeding. This is a new area of law that is beginning to appear in lawsuits.

Agenda Item No. 3.,Future Meeting Schedule

The next meeting is set for December 1st at 10:00 a.m. to 3:00 p.m.; after the Board teleconference on December 15th; January 5, 2009 from 10:00 to 3:00 p.m.; and after the Board meeting January 23rd with a working lunch at 12:30 to 3:00 p.m.

The meeting was adjourned.

Dated this 20th day of November 2008.


Patsy McGourty
Administrative Assistant II